

**REMARKS**

The Examiner is thanked for his Office Action and the indication of allowable subject matter. The Examiner is particularly thanked for the helpful suggestions regarding informalities and typographic errors in the specification and claims.

Claims 1-21 are pending in the application, and were each rejected.

Claims 1, 2, 3, 9, 10, 16 and 17 have been amended as set forth herein.

**CLAIM OBJECTIONS UNDER 37 C.F.R. §175 AND REJECTIONS UNDER 35 U.S.C. §112**

Various claims are amended to obviate or accommodate informalities noted by the Examiner, and these rejections and objections are believed to be moot and are traversed.

**IN THE SPECIFICATION:**

The specification is amended to address informalities noted by the Examiner. These objections are therefore believed to be moot.

**CLAIM REJECTIONS -- 35 U.S.C. §101**

Claims 1-21 were rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter. These rejections are traversed.

Claims 8-14 are drawn to a data processing system, and the specification describes that this can be implemented as the data processing system shown and described with relation to Figure 1. Such a data processing system is clearly statutory subject matter, and the Examiner presents no argument or authority for rejecting the claimed data processing system as non-

statutory subject matter. As such, the rejections of claims 8-14 are traversed.

Claims 1-7 are drawn to a method for object model processing, which can be implemented in a computer system, but is not so limited by the claim itself. The specification describes in detail the usefulness and advantages of decomposing a product model into manufacturing specific regions, so there is no question that the claimed method is useful and produces the tangible result of each edge and face being assigned to an appropriate region.

With regard to this rejection, the Examiner appears to be applying a "technological arts" test. This test, and indeed entire reasoned basis of the Examiner's rejection of these claims, has been rejected by the Board of Patent Appeals and Interferences. The Examiner is respectfully referred to BPAI precedential opinion *Ex Parte Lundgren*, Appeal No. 2003-2088, decided October 2005.

The only question is whether the method of claim 1 produces a useful, concrete, and tangible result. The Federal Circuit has held that a process claim that applies a mathematical algorithm to "produce a useful, concrete, tangible result without pre-empting other uses of the mathematical principle, on its face comfortably falls within the scope of § 101," *AT&T Corp. v. Excel Communications, Inc.*, 172 F.3d 1352, 1358, 50 USPQ2d 1447, 1452 (Fed. Cir. 1999)

The method of claim 1 produces a useful, concrete, and tangible result, as described at length in the specification, as it provides an innovative and effective way of decomposing a product model into manufacturing specific regions.

Therefore, the rejections of claims 1-7 are also traversed.

Claims 15-21 are drawn to a computer program product tangibly embodied in a computer-readable medium, comprising instructions for performing various specific processes. The Examiner dismisses these claims as simply "data embodied on a computer-readable

medium” and “non-functional descriptive material”, and cites to “MPEP Section 2106(IV)(B)(2)(c)”, an MPEP section that does not appear to actually exist in either revision 4 or 5 or the eighth edition of the MPEP.

MPEP 2106 describes that

In this context, "functional descriptive material" consists of data structures and computer programs which impart functionality when employed as a computer component. (The definition of "data structure" is "a physical or logical relationship among data elements, designed to support specific data manipulation functions." The New IEEE Standard Dictionary of Electrical and Electronics Terms 308 (5th ed. 1993).) "Nonfunctional descriptive material" includes but is not limited to music, literary works and a compilation or mere arrangement of data.

MPEP 2106 further describes that when functional descriptive material is recorded on some computer-readable medium it becomes structurally and functionally interrelated to the medium and will be statutory in most cases since use of technology permits the function of the descriptive material to be realized. Compare *In re Lowry*, 32 F.3d 1579, 1583-84, 32 USPQ2d 1031, 1035 (Fed. Cir. 1994) (claim to data structure stored on a computer readable medium that increases computer efficiency held statutory). MPEP 2106 also indicates that a claimed computer-readable medium encoded with a data structure defines structural and functional interrelationships between the data structure and the computer software and hardware components which permit the data structure's functionality to be realized, and is thus statutory.

In the instant case, the various claimed instructions are clearly data structures that are claimed as “tangibly embodied” (*i.e.*, stored) in a computer-readable medium. As such, the claims clearly describe statutory subject matter. In fact, a quick search of the PTO database indicates numerous patents with the precise language “computer program product tangibly

embodied in a computer-readable medium” appearing in the claims.

All rejections under 35 USC §101 are therefore traversed. Reconsideration and allowance of all claims is respectfully requested.

CONCLUSION

As a result of the foregoing, the Applicant asserts that the Claims in the Application are in condition for allowance, and respectfully requests an early allowance of such Claims.

If any issues arise, or if the Examiner has any suggestions for expediting allowance of this Application, the Applicant respectfully invites the Examiner to contact the undersigned at the telephone number indicated below or at *manderson@munckbutrus.com*.


The Commissioner is hereby authorized to charge any additional fees connected with this communication or credit any overpayment to Deposit Account No. 50-0208.

Respectfully submitted,

MUNCK BUTRUS P.C.

Date: 9/21/0

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